

**REMARKS**

**I. STATUS OF CLAIMS**

Claims 1-15 are currently pending and under consideration.

**II. CLAIMS 1, 3-5, 8-11 AND 13 REJECTED UNDER 35 U.S.C. 103(A) AS BEING UNPATENTABLE OVER EGNELL ET AL. (US. 6,590,681 B1) IN VIEW OF KINOSHITA (US 6,426,832B1)**

Claim 1

Claim 1 has been amended to recite a variable wavelength filter for extracting a first optical signal at a predetermined wavelength from the dropping signal that is branched by the optical branching coupler; and a fixed wavelength laser for generating a second optical signal that is to be inserted. Support for currently amended claim 1 can be found on at least pages 9-14 of the specification.

The optical apparatus described in currently amended claim 1 uses a variable wavelength filter for extracting a first optical signal at a predetermined wavelength from the dropping signal that is branched by the optical branching coupler, and a fixed wavelength laser for generating a second optical signal that is to be inserted.

It is respectfully submitted that such a **relationship between a variable wavelength filter and a fixed wavelength laser** as recited in currently amended claim 1 of the present application is neither taught nor suggested in any of the cited references.

Although the above comments are specifically directed to claim 1, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited references.

Claim 3

Claim 3 has been amended to recite a fixed wavelength filter for extracting a first optical signal at a predetermined wavelength from the dropping signal that is branched by the optical branching coupler; and a variable wavelength laser for generating a second optical signal that is to be inserted. Support for currently amended claim 1 can be found on at least pages 14-19 of the specification of the outstanding application.

The optical apparatus described in currently amended claim 3 uses a fixed wavelength filter for extracting a first optical signal at a predetermined wavelength from the dropping signal

that is branched by the optical branching coupler, and a variable wavelength laser for generating a second optical signal that is to be inserted.

It is respectfully submitted that such a **relationship between a fixed wavelength filter and a variable wavelength laser** as recited in currently amended claim 3 of the present application is neither taught nor suggested in any of the cited references.

Although the above comments are specifically directed to claim 3, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited references.

**III. CLAIMS 2 AND 6 ARE REJECTED UNDER 35 U.S.C 103(A) AS BEING UNPATENTABLE OVER EGNELL ET AL. IN VIEW OF KINOSHITA AS APPLIED TO CLAIM 1 ABOVE, AND FURTHER IN VIEW OF NAGEL ET AL. (US PATENT NO. 5,481,399)**

Claims 2 and 6 are dependent claims. Therefore, the comments in Section II for distinguishing over the cited references, also apply here.

**IV. CLAIM 7 IS REJECTED UNDER 35 U.S.C. 103(A) AS BEING UNPATENTABLE OVER EGNELL ET AL. IN VIEW OF KINOSHITA APPLIED TO CLAIM 1 ABOVE, AND FURTHER IN VIEW OF SRIDHAR (US PATENT NO. 5,778,118 A)**

Claims 7 is a dependent claim. Therefore, the comments in Section II for distinguishing over the cited references, also apply here.

**V. CLAIM 12 IS REJECTED UNDER 35 U.S.C. 103(A) AS BEING UNPATENTABLE OVER EGNELL ET AL. IN VIEW OF KINOSHITA AS APPLIED TO CLAIMS 1 AND 9 ABOVE, AND FURTHER IN VIEW OF ADAMS ET AL. (EUROPEAN PATENT NO. 1063803 A1)**

Claims 12 is a dependent claim. Therefore, the comments in Section II for distinguishing over the cited references, also apply here.

**VI. IDS**

An IDS was filed on July 25, 2006, but has not been entered by the Examiner. The USPTO PAIR system indicates that the IDS was received by the USPTO.

It is respectfully requested that the Examiner acknowledge the IDS.

**VII. CONCLUSION**

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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